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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/696,184	10/29/2003	Eric F. Aas	10002230-5	6532

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HEWLETT-PACKARD COMPANY  
Intellectual Property Administration  
P.O. Box 272400  
Fort Collins, CO 80527-2400

EXAMINER

KASSA, YOSEF

ART UNIT PAPER NUMBER

2625

DATE MAILED: 02/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/696,184

Applicant(s)

AAS, ERIC F.

Examiner

YOSEF KASSA

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 October 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 13, 20 and 21 is/are rejected.
- 7) ☒ Claim(s) 7-12, 15-19 and 22-26 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>04/16/2004</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6, 13, 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burkhardt et al (U.S. Patent 5,218,457).

With regard to claim 1, Burkhardt discloses scanning an original image at an initial scanning resolution (see col. 2, lines 16-20);

detecting lateral edges of the original image, determining the width of the original image based upon the detected lateral edges (see col. 2, lines 28-32);

making a size presumption of the original image based upon the determined width (see col. 2, lines 28-32);

making a scanning resolution determination based upon the size presumption (see col. 3, lines 15-25).

Burkhardt does not disclose expressly for continuing scanning of the original image based upon the scanning resolution determination. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to continue scanning of the original image based upon the scanning resolution determination. Applicant has not disclosed that continuing scanning of the original image based upon the scanning resolution determination provide an advantage, is used for a particular purpose or

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solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with either the above process taught by Burkhardt or the claimed limitation of continuing scanning of the original image based upon the scanning resolution determination because both process perform the same function, that is, high resolution image processing system. Therefore, it would have been obvious to combine to on one ordinary skill in this art to modify Burkhardt to obtain the invention as specified in claim 1.

With regard to claim 2, Burlhardt discloses presumption is based upon an aspect ratio presumption (see col. 9, lines 38-45).

With regard to claim 3, Burlhardt discloses further comprising adjusting the scanning resolution based upon the scanning resolution determination to obtain a new scanning resolution (see col. 2, lines 40-48).

With regard to claim 4, Burlhardt discloses wherein the scanning resolution is adjusted downwardly (see col. 2, lines 34-39).

With regard to claim 5, Burkhardt discloses wherein the new scanning resolution is calculated so ms to maximize the image within a screen of a display device (see col. 2, lines 59-63).

With regard to claim 6, Burkhardt discloses wherein the new scanning resolution comprises one of several possible predetermined scanning resolutions (see col. 2, lines 64-col. 3, lines 5).

Claims 13 and 20 are similarly analyzed as claim 1. As to the additional limitation of “a scanner comprising a computer readable medium...”, this limitation is taught by Burkhardt (see col. 3, lines 48-57).

Claims 14 and 21 are similarly analyzed as claim 3.

### ***Claim Rejections - 35 USC § 101***

2. Claims 13-26 are rejected under 35 U.S.C. 101 because the claimed invention of is directed to non-statutory subject matter. Claims 13 and 20 recites the limitation “a scanner comprising a computer readable medium...” which are non-statutory. A program is functional descriptive material, and is only statutory when embodied in a computer readable medium. Applicant may overcome this rejection by rewriting the limitation “a program product for making a computer execute image processing” as “A computer medium or a computer readable medium storing or comprising....” (See MPEP 2106).

### ***Allowable Subject Matter***

3. Claims 7-12, 15-19 and 22-26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Other Prior Art Cited***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent No. (5270728) to Lund et al discloses raster imaging device...

US Patent No. (5475508) to Maeshima et al discloses solid state color imager...

US Patent No. (5549111) to Wright et al discloses method and apparatus for adjustable frequency scanning...

US Patent No. (5321529) to Funada discloses color image processing with smoothing...

**Conclusion**

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to YOSEF KASSA whose telephone number is (703) 306-5918. The examiner can normally be reached on Monday-Thursday from 8:00 AM to 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, BHAVESH MEHTA can be reached on (703) 308-5246. The fax phone numbers for the organization where this application or proceeding is assigned is (703) 872-9306 for regular communication and (703) 872-9306 for after Final communications.

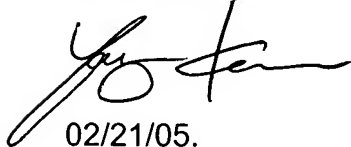
Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the customer service office whose telephone number is (703) 306-5631. The group receptionist number for TC 2600 is (703) 305-4700.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**PATENT EXAMINER**

Yosef Kassa

A handwritten signature in black ink, appearing to read 'Yosef Kassa', is written over the printed name.

02/21/05.